

ASSEMBLY BILL

No. 1986

Introduced by Assembly Member Wilk

February 16, 2016

An act to add Chapter 5.5 (commencing with Section 1355) to Part 2 of Division 2 of the Water Code, relating to water resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1986, as introduced, Wilk. Water resources: permit to appropriate: application procedure.

Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. Existing law requires an application for a permit to appropriate water to include, among other things, sufficient information to demonstrate a reasonable likelihood that unappropriated water is available for the proposed appropriation. Existing law requires the board to issue and deliver a notice of an application as soon as practicable after the receipt of an application for a permit to appropriate water that conforms to the law. Existing law allows interested persons to file a written protest with regard to an application to appropriate water and requires the protestant to set forth the objections to the application. Existing law declares that no hearing is necessary to issue a permit in connection with an unprotested application, or if the undisputed facts support the issuance of the permit and there is no disputed issue of material fact, unless the board elects to hold a hearing.

This bill, if the board has not rendered a final determination on an application for a permit to appropriate water within 20 years from the date the application was filed, would require the board to issue another

notice of application and mail the notice of application, as prescribed. This bill would require the applicant to publish and post the notice of application, as prescribed. This bill would authorize any person interested to file with the board a written protest against the approval of the application and require the board to proceed on the application, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5.5 (commencing with Section 1355) is
2 added to Part 2 of Division 2 of the Water Code, to read:

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4 CHAPTER 5.5. PROCEDURES FOR DELAYED APPLICATIONS
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6 1355. (a) If the board has not rendered a final determination
7 on an application for a permit to appropriate water within 20 years
8 from the date the application was filed, the board shall do the
9 following:

10 (1) Issue another notice of application in accordance with Article
11 1 (commencing with Section 1300) of Chapter 3.

12 (2) Mail the notice of application in accordance with Section
13 1321.

14 (b) The applicant shall do both of the following:

15 (1) Publish the notice of application in accordance with Article
16 2 (commencing with Section 1310) of Chapter 3.

17 (2) Post the notice of application in accordance with Article 3
18 (commencing with Section 1320) of Chapter 3.

19 (c) Any person interested may file with the board a written
20 protest against the approval of the application in accordance with
21 Chapter 4 (commencing with Section 1330) and the board shall
22 conduct proceedings on the application in accordance with Chapter
23 5 (commencing with Section 1340).